

## REMARKS

The Examiner required Applicant to submit a new oath or declaration asserting that the original oath or declaration did not identify U.S. Provisional Application Serial No. 60/187,547 filed March 7, 2000, from which the instant application claims priority. In response, Applicant submits a new oath herewith explicitly identifying U.S. Provisional Application Serial No. 60/187,547 as the provisional application from which the instant application claims priority. Accordingly, Applicant respectfully requests the Examiner withdraw the objection.

The Examiner also objected to claims 1-2, 7, 12, 15, 19, 21, 30-31, 37-38, 42, 48-49, 52, and 58-60 citing various informalities. In response, Applicant has amended these claims to correct the informalities noted by the Examiner. Additionally, Applicant has amended various claims to make the claims more clear. No new matter has been added. As such, Applicant respectfully requests the Examiner withdraw the objections to the claims.

The Examiner also rejected claims 12-14, 29, and 39-42 under 35 U.S.C. § 112 citing terms in these claims that lack antecedent basis. Applicant has amended these claims to correct the antecedent basis issues without adding new matter, and respectfully requests the Examiner withdraw the § 112 rejections.

The Examiner also rejected claims 1, 7, 12, 15, 24, 32, 39, and 43 under 35 U.S.C. § 102(b) as being anticipated by the patent to Willars, and claims 21 and 53 as being unpatentable under 35 U.S.C. § 103(a) over Willars in view of Sanzo. Applicant respectfully traverses these rejections.

Regarding the § 102(b) rejections, claim 1 recites a method that requires “tuning the terminal to a HDR carrier … [and] …periodically tuning the terminal to a 1xRTT carrier for a limited time in order to check for incoming 1xRTT communications.” The HDR carrier and the 1xRTT carrier of claim 1 are carriers in two completely different air interfaces. A mobile designed for operation in one air interface would not operate in the other. HDR is spectrally optimized for very-high speed wireless packet data communications, while 1xRTT is optimized

for slower-speed circuit switched services. Thus, a mobile terminal operating according to claim 1 would necessarily be a dual mode terminal capable of operating in two different air interfaces.

Willars discloses a discontinuous transmission technique for CDMA systems. Specifically, information sent from the network may be compressed in certain frames such that the information uses only a portion of the frame. The remaining or "idle" portion of the frame is empty (i.e., it carries no information). During this idle portion, the mobile terminal is free to change to the frequency of a neighboring base station to perform signal strength measurements. *Willars*, col. 5, ll. 5-45. However, Willars only teaches switching frequencies in order to prepare for and/or execute handover between base stations in the same network using the same air interface. There are no provisions in Willars for handover between two different networks that use different air interfaces. In short, the mobile terminal according to Willars simply switches frequencies to change between base stations in a homogenous network. Accordingly, Willars fails to anticipate claim 1 under §102(b). Applicant therefore respectfully requests the allowance of claim 1, and its dependent claims 2-6.

The Examiner also rejected claims 7, 12, 15, 24, 32, 39, and 43 under 35 U.S.C. §102(b) citing Willars and reasons similar to those stated above for claim 1. However, each of these independent claims recite language similar to that of claim 1 that requires a mobile terminal to switch between carriers in two different air interfaces. For the reasons stated above, Willars fails to anticipate claims 7, 12, 15, 24, 32, 39, and 43 under § 102(b). As such, Applicant respectfully requests the allowance of claims 7, 12, 15, 24, 32, 39, and 43 and each of their respective dependent claims.

The Examiner also rejected independent claim 21 as being unpatentable under 35 U.S.C. § 103(a) over Willars in view of Sanzo. Claim 21 recites language that requires a plurality of mobile terminals to switch between carriers in two different air interfaces (i.e., HDR and 1xRTT). The Examiner admits that Willars fails to teach HDR carriers and 1xRTT carriers, but combines Willars with Sanzo in an attempt to correct this deficiency. Sanzo may disclose

HDR and circuit-switched networks, but only in the context of their fundamental differences and benefits. The article to Sanzo never suggests a dual mode mobile terminal that switches between an HDR network and a circuit-switched network and, for the reasons stated above, neither does Willars. As such, neither Willars nor Sanzo teach or suggest, alone or in combination, claim 21.

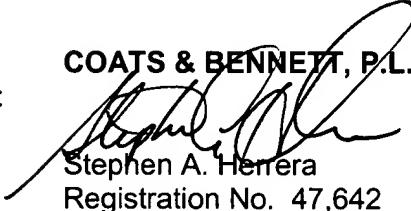
Notwithstanding the above, however, the §103 rejection fails for an additional reason. Specifically, there is no motivation to combine the two references. The Examiner alleges, “it would have been obvious to replace [the first and second frequencies of Willars with the HDR/best-effort and the 1xRTT/all-service carrier of Sanzo, respectively] … to enable the network to accommodate both the HDR/best-effort and the 1xRTT/all-service carriers which are complimentary technology as suggested by Sanzo (paragraph 3).” However, scrutiny reveals that Sanzo suggests nothing of the sort. Sanzo simply reveals the high-speed capacity of HDR networks.

Merely because an article may extol the high-speed virtues of an HDR network technologies as “complimentary” to a circuit-switched network, it does not equate to a suggestion that a mobile terminal may switch frequencies between these two networks. Simply put, Willars discloses handover within a homogenous network, while Sanzo praises the high-speed virtues of HDR networks. Nothing in either reference would lead one skilled in the art to replace two frequencies in the same network with two different carriers from two fundamentally different air interfaces. Neither reference provides any suggestion whatsoever that a mobile terminal may switch between an HDR carrier and a 1xRTT carrier. Accordingly, Applicant respectfully requests the allowance of claim 21 and its dependent claims 22-23.

Finally, the Examiner rejected claim 53 under 35 U.S.C. §103(a) citing the same art and reasons as those stated above with respect to claim 21. However, claim 53 recites language similar to that of claim 21. Thus, for the reasons stated above, the §103 rejection fails.

Accordingly, Applicant respectfully requests the allowance of claim 53 and its dependent claims 54-60.

Respectfully submitted,

  
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